REMARKS

Claims 1-23 and 44-63 are pending in the case, claims 24-43 having previously been cancelled and claims 44-63 having previously been added. Claims 24-43 were canceled responsive to a restriction requirement. The Office rejected each of claims 1-23 as follows:

- claims 1-5, 7-11, 13-15, 17-22, 44-48, 50-54, 56-58, and 60-63 were rejected under 35 U.S.C. §102(b) as anticipated by United States Letters Patent 5,517,414 ("Hrovat"); and
- claims 6, 12, 16, 49, 55, and 59 were rejected as obvious under 35 U.S.C. §103(a) over Hrovat in view of United States Letters Patent 6,481,801 ("Krueger").

Applicant traverses each of the rejections.

The Office rejected all claims either as anticipated by Hrovat or obvious over Hrovat in view of Krueger. An anticipating reference, by definition, must disclose every limitation of the rejected claim in the same relationship to one another as set forth in the claim. M.P.E.P. § 2131; *In re Bond*, 15 U.S.P.Q.2d (BNA) 1566, 1567 (Fed. Cir. 1990). A *prima facie* case of obviousness requires that the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 706.02(j); *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). The art of record fails to meet this standard.

Applicants propose to amend independent claims 1, 4, 10, 14, 44, 47, 53, 57 to recite that the articulation/adjustment of the suspension be a rotation *in a plane defined by the pitch of the vehicle*. The dependent claims incorporate this limitation as a matter of law by virtue of their dependence from claims 1, 4, 10, 14, 44, 47, 53, 57. 35 U.S.C. §112, ¶4. Support for the amendments is found in the application as filed in Figure 1A, which shows such rotation, the text associated with Figure 1A, as well as in other locations of the specification.

Neither Hrovat nor Krueger teaches or suggests a rotational articulation in such a plane. The amendment will therefore place the claims in better condition for allowance or appeal. Accordingly, Applicants request that the amendments be entered under 37 C.F.R. §1.116.

Note that the claim language contemplates that the rotation in the plane defined by the vehicle's pitch may be clockwise, counter-clockwise, or in both directions. Similarly, the rotation may be either full or partial—*i.e.*, that is, 360° or something less than that.

Previously, Applicants amended the claims to specify a rotational articulation. The Office alleges Hrovat teaches this limitation in Figure 2 and associated text. To the extent that the movement disclosed therein constitutes "rotation", that movement is not *in a plane defined by the pitch of the vehicle*. Instead, as is apparent from Figure 2, such movement is in the direction of the roll of the vehicle.

The cited art therefore fails to teach all the limitations of the claims as amended in each of the rejections, provided the amendments are entered. The claims would neither be anticipated by nor obvious in view of the cited art. M.P.E.P. §§706.02(j), 2131; *In re Bond*, 15 U.S.P.Q.2d (BNA) 1566, 1567 (Fed. Cir. 1990); *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). Applicants therefore respectfully submit that the claims would be in condition for allowance, and request that they be allowed to issue. The Examiner is invited to contact the undersigned attorney at (713) 934-4053 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

Date: May 15, 2007

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